

Listing of Claims:

- 1-30. (Canceled)
31. (original) A crystalline form of nateglinide (Form  $\epsilon$ ) characterized by data selected from the group consisting of: an XRPD pattern with peaks at 4.2, 13.0, 13.6, 14.3, 16.2, 16.7 and  $19.6 \pm 0.2$  degrees  $2\theta$ ; and a DSC thermogram with endotherms at about 64, 108 and  $129^\circ\text{C}$ .
32. (original) The crystalline form of claim 31, wherein the crystalline form is characterized with peaks at 4.2, 13.0, 13.6, 14.3, 16.2, 16.7 and  $19.6 \pm 0.2$  degrees  $2\theta$ .
33. (currently amended) The crystalline form of claim 32, wherein the crystalline form has an XRPD pattern as ~~substantially~~ depicted in Figure 25.
34. (original) A process for preparing the crystalline form of claim 31 comprising the steps of:
- a) preparing a solution of nateglinide in a solvent selected from the group consisting of acetone, acetonitrile and nitromethane;
  - b) crystallizing the crystalline form from the solution; and
  - c) recovering the crystalline form.
35. (original) The process of claim 34, wherein the solvent is acetone.
36. (original) The process of claim 34, wherein the solvent is acetonitrile.
37. (original) The process of claim 34, wherein the solvent is nitromethane.
38. (original) A process for preparing the crystalline form of claim 31 comprising the steps of:
- a) triturating a crystalline form of nateglinide in nitromethane to obtain the crystalline form of claim 31, with the proviso that the crystalline form triturated is not Form U; and
  - b) recovering the crystalline form of claim 31.

39. (original) The process of claim 38, wherein the crystalline form triturated is Form H.

40-50 (Canceled)

51. (currently amended) A ~~e~~Crystalline form epsilon of nateglinide, wherein the crystalline form is a solvate of a solvent selected from the group consisting of acetone, acetonitrile and nitromethane.

52 - 55 (Canceled)